

Maine Revised Statutes

**Title 30-A: MUNICIPALITIES AND COUNTIES**  
**HEADING: PL 1987, c. 737, Pt. A, §2 (new)**

**Chapter 121: MEETINGS AND ELECTIONS**  
**HEADING: PL 1987, c. 737, Pt. A, §2 (new)**

**§2531-B. RECOUNT OF AN ELECTION FOR OFFICE**

A recount for an election for municipal office must be performed by a municipal clerk or the clerk's designee pursuant to the provisions of Title 21-A, section 737-A and the rules adopted pursuant to Title 21-A, section 737-A, except that the provisions of Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do not apply to this section. Except for the municipal clerk or the municipal clerk's designee, an election official as defined in Title 21-A, section 1, subsection 14 or an official of a municipal police department performing an official duty in a recount, an employee or elected official of the municipality or a candidate in an election may not participate in a recount of that election under this section. [ 2011, c. 255, §7 (NEW) . ]

**1. When deposit is required.** A deposit is not required if the percentage difference shown by the official tabulation is equal to or less than:

A. Two and one-half percent, if the combined vote for the candidates is 1,000 or less; [ 2011, c. 255, §7 (NEW) . ]

B. Two percent, if the combined vote for the candidates is 1,001 to 5,000; or [ 2011, c. 255, §7 (NEW) . ]

C. One and one-half percent, if the combined vote for the candidates is 5,001 or over. [ 2011, c. 255, §7 (NEW) . ]

For purposes of this subsection, "percentage difference" means the difference between the percentage of the total votes for an office received by the candidate requesting a recount and the percentage of the total votes for that office received by the nearest winning candidate.

[ 2011, c. 255, §7 (NEW) . ]

**2. Amount of deposit.** The amount of the deposit is determined by the clerk of the municipality and must be 50% of the reasonable estimate of the cost to the municipality performing the recount.

[ 2011, c. 255, §7 (NEW) . ]

**3. Forfeiture or refund of deposit.** All deposits required by this section must be made with the municipal clerk when a recount is requested by a losing candidate or an undeclared write-in candidate. This deposit, made by the candidate requesting the recount, is forfeited to the municipality if a subsequent recount fails to change the result of the election. If a recount changes the result of the election, the deposit must be returned to the candidate who paid the deposit. After the completion of the recount, if the recount has not changed the result of the election, the municipality shall calculate the actual cost of the procedure. If the deposit was greater than the actual cost, the overpayment must be refunded to the candidate. If the actual cost was greater than the deposit, the candidate shall pay the remainder of the actual cost to the municipality. A candidate who is not required to pay a deposit pursuant to subsection 1 may not be charged for the recount regardless of whether the procedure changes the result of the election.

[ 2011, c. 255, §7 (NEW) . ]

SECTION HISTORY

2011, c. 255, §7 (NEW).

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